vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2060 OF 1996

The Superintending Engineer
PWD, Nasik Cicle & Ors. ... Petitioners

V/s.

Shri Baban Kondaii Bhadange & Anr. ... Respondents

Mr.D.A. Patil, AGP, for Petitioners
None for Respondents

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JULY 3, 2007**

P.C.:

. The Petition impugns the order of the Industrial Court in Complaint (ULP) No.750 of 1989. By this order, the Industrial Court had directed the Petitioners to pay wages to the complainant i.e., Respondent No.1 from 2.6.1989 to 2.12.1989.

2. The brief facts in this case are as follows:

By an order of 26.5.1989, Respondent No.1 was transferred from the office of Executive Engineer, PWD, Nasik to the office of Executive Engineer, Malegaon. Respondent No.1 challenged this transfer order by filing complaint (ULP) No.494 of 1989. By an interim order dated 2.6.1989, the Industrial Court granted a stay to

the transfer order. Consequently, Respondent No.1 was continued at his original place of work. However, he was not paid wages from 2.6.1989 to 31.12.1989. Respondent No.1, therefore, filed complaint (ULP) No.750 of 1989 seeking a declaration that the Petitioners engaged in an unfair labour practice under Item 9 of Schedule 1 of the MRTU & PULP Act by not paying wages from 2.6.1989 till December 1989. The Industrial Court has allowed the complaint and directed the payment of wages.

3. Mr.Patil, the learned AGP, fairly states that the respondent was working from 2.6.1989 till 31.12.1989 at his original place of work and, therefore, ought to have been paid wages. Thus, the order impugned cannot be seriously challenged.

4. Petition is, therefore, dismissed. Interim orders vacated. The order of the Industrial Court is upheld. Rule discharged. No order as to costs.

5. The Respondent No.1 must be paid by the Petitioners within eight weeks from today.